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### **Los Angeles County Pesticide Regulatory Program 2006/2007 Performance Evaluation Report**

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Department of Pesticide Regulation  
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Sacramento, California 95814**

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## **Performance Evaluation of the Los Angeles County Agricultural Commissioner Pesticide Use Enforcement Program**

This report provides a performance evaluation of Los Angeles County Agricultural Commissioner's (CAC's) pesticide use enforcement (PUE) program for the fiscal year 2006/2007 (FY 06/07). The assessment evaluates the performance of goals identified in the CAC's enforcement work plan as well as the program's adherence to Department of Pesticide Regulation (DPR) standards as described in the Pesticide Use Enforcement Program Standards Compendium. Most workload numbers in this summary are derived from the county's annual totals on their Pesticide Regulatory Activities Monthly Reports (PRAMR) submitted to DPR. Additional structural Branch 1 compliance monitoring activities were also conducted as part of the industry-funded Structural Fumigation Enforcement Program (SFEP).

### **I. Summary Report of Core Program Elements**

#### **A) Restricted Materials Permitting:**

The restricted materials permitting program element was found to meet DPR standards and work plan goals.

#### **B) Compliance Monitoring:**

The compliance monitoring program element was found to meet DPR standards and work plan goals.

#### **C) Enforcement Response:**

The enforcement response program element was found to meet DPR standards and work plan goals.

### **Summary Statement:**

Los Angeles CAC's pesticide use program was effective.

### **II. Assessment of Core Program Effectiveness and Work Plan Goals**

#### **A) Restricted Materials Permitting:**

##### **1) Permit Issuance – Effective**

The Los Angeles CAC permit issuance procedures and performance were evaluated through observation, record reviews, and interviews with relevant staff and found to conform to DPR standards and expectations, including the determination of whether feasible alternatives existed or were required. The inspectors that issue permits all possess Pesticide Regulation and Investigation and Environmental Monitoring licenses. The CAC issued 452 agricultural permits, 92 non-agricultural permits, and 262 operator identification numbers during FY 06/07.

The DPR evaluation determined that permits are:

- Issued only to qualified applicants;
- Signed by authorized persons;
- Issued for time periods allowed by law;

- Permit amendments followed approved procedures

## 2) **Site Evaluation – Effective**

CAC staff reviewed 3,969 Notices of Intent (NOI) during FY 06/07. The CAC gives the highest priority in pre-site evaluation inspections and other associated site-monitoring activities to applications involving fumigants, other Category I pesticides, and restricted material applications near sensitive sites. The Los Angeles CAC site evaluation procedures were evaluated through observation, record reviews, and interviews of relevant staff and found to conform to DPR standards and expectations.

The permits:

- Contained the necessary information;
- Identified treatment areas and sensitive areas that could be adversely impacted by the permitted uses;
- Identified mitigation measures and included conditions that addressed known hazards.

The CAC staff adequately evaluated permits and determined if the use of feasible alternatives was required. The program reviews all Notices of Intent in a timely manner and adequately monitored agricultural and non-agricultural permits utilizing pre-application site evaluations and use monitoring inspections.

## **B) Compliance Monitoring:**

### 1) **Inspections – Effective**

In addition to all other types of use monitoring, storage, and various records inspections normally performed by counties and reported on the PRAMR to DPR, the Los Angeles CAC program conducts additional structural fumigation (Branch 1) use monitoring, records, and storage inspections as part of their participation in SFEP. During FY 06/07 the CAC performed a total of 934 inspections under their agricultural enforcement program, 530 structural “complete” inspections (PRAMR combined total of Branch 1, 2, and 3), and an additional 2,207 Branch 1 inspections (some complete and some partial) for their industry-funded SFEP activities.

Los Angeles CAC inspection procedures were evaluated through DPR oversight inspections and record reviews and found to conform to DPR standards and expectations. Inspectors that possess Pesticide Regulation and Investigation and Environmental Monitoring licenses perform inspections. Inspections are performed according to the inspection strategy documented in the CAC’s enforcement work plan. Inspections are performed according to DPR policies and procedures; inspections reports are complete and comprehensive. The inspections adequately provide the information necessary to successfully prosecute violations.

Inspections performed by the CAC staff were found to:

- Adequately address label, law, and regulatory requirements;
- Include interviews of employers and employees, as appropriate;
- Adequately document violations;
- Include appropriate follow-up inspections and procedures.

## **2) Investigations – Effective**

The Los Angeles CAC investigation procedures and performance were evaluated through observation, record reviews, and interviews of relevant staff and found to conform to DPR standards and expectations. CAC staff investigated a total of **146** investigations (this includes DPR WH&S assigned and other complaints) during FY 06/07. Twelve (**12**) of these investigations met U.S. EPA priority criteria. The CAC investigates all complaints and complete their reports in a timely manner. The CAC refers and notifies DPR and other agencies, as required.

Investigations are thorough and complete and submitted on approved forms and in the approved format. The investigations document violations and the CAC collects evidence according to DPR standards. The investigations adequately provide the information necessary to successfully prosecute violations.

## **C) Enforcement Response: – Effective**

The Los Angeles CAC enforcement response was evaluated through observation, record reviews, and interviews of relevant staff and was found to conform to DPR standards and expectations. The CAC took **23** Agricultural Civil Penalty (ACP) actions, and **88** Structural Civil Penalty (SCP) actions in FY 06/07 and a total of **127** compliance actions (Notice of Violation, Warning Letters, etc.). Los Angeles CAC exceeded DPR expectations for the timeliness of their civil penalty actions.

The CAC's enforcement program was found to:

- Initiate appropriate action when violations are identified;
- Sufficiently support compliance, enforcement, and public protection actions;
- Ensure that due process requirements are met when taking an enforcement or permit action, or when initiating a private applicator certification or registration refusal/revocation.

## **III. Recommended Corrective Actions**

No corrective actions are currently needed.

## **IV. Non-Core and Desirable Activities**

### **Outreach and Training**

- Los Angeles CAC performs various types of outreach and training throughout the year to production agriculture industry and pest control businesses through such activities as their metam sodium stewardship training, continuing education presentations at structural and agricultural industry association meetings, and their involvement in the Structural Fumigation Enforcement Program committee.

- In August 2006, Los Angeles CAC created and issued a compliance outreach letter that was sent to approximately 4,000 businesses that operate as “commercial landscape contractors.” This letter listed the major areas of state regulatory compliance (such as registration, worker safety training, personal protective equipment, pesticide use and storage) and gave contact telephone numbers to encourage the regulated community to call and ask questions so that the county can provide proactive compliance assistance.
- Los Angeles CAC also contributed a significant amount of their structural deputy’s time to the DPR-SPCB structural training planning committee activities in spring 2007, and additional pesticide program inspector staff time onsite at the “southern” session for new CAC inspectors and managers in May 2007.